

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Daniel Joseph Watts

Docket No. 4:04-CR-48-4H

Petition for Action on Supervised Release

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daniel Joseph Watts, who, upon an earlier plea of guilty to 21 U.S.C. §846, Conspiracy to Possess With the Intent to Distribute More Than Twenty (20) Grams of Methamphetamine, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on January 4, 2006, to the custody of the Bureau of Prisons for a term of 63 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Daniel Joseph Watts was released from custody on August 14, 2009, at which time the term of supervised release commenced.

On December 13, 2010, a violation report was submitted to the court reporting that the defendant had been charged with Misdemeanor Assault With a Deadly Weapon on November 29, 2010, in Cumberland County, North Carolina. It was recommended that we await the outcome in state court before recommending if a sanction was appropriate. This charge was voluntarily dismissed on January 24, 2011.

On May 8, 2012, the conditions of release were modified to include mental health treatment, after the defendant had some verbal altercations with his fiancé at their residence. No police reports were filed, but it was felt that anger management classes would be beneficial for the defendant to help deal with any underlying anger problems.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 10, 2013, police were called to the defendant's residence by his fiancé's family out of concern for his fiancé, Sherry Herring. When police arrived, they advised the defendant that they were there to check on the welfare of Ms. Herring. The defendant was yelling for Ms. Herring to come out of the house and speak with the police. She never came outside so the police entered the house. The defendant yelled at the police stating they were trespassing on his property. The police gave the defendant commands to back away and he complied. The police checked on the welfare of Ms. Herring and she was crying but stated she was okay and had no visible marks on her person. Ms. Herring gathered her belongings and left the premises. No formal charges were filed. On April 4, 2013, the defendant committed the offenses of Driving While License Revoked and Unsafe Movement in Cumberland County, North Carolina. The defendant pulled his vehicle out in front of another vehicle causing a traffic accident and was cited. On April 7, 2013, the defendant's daughter, Jessica Haddock, filed charges against the defendant for Misdemeanor Second Degree Trespass, Injury to Real Property, and Communicating Threats, in Cumberland County, North Carolina. Ms. Haddock states that the defendant drove up into her yard and began arguing with her husband, Wesley Haddock, so he was asked to leave. The defendant left, but returned two minutes later and began knocking on the front door, stating, "I'll shoot you all up." The defendant then left the property when he was notified that the police had been called. According to the police report, fresh tire markings were in the driveway and yard. Ms. Haddock was advised by the police to file for a restraining order, which she did, and it was granted on April 8, 2013. Court dates for the new charges stemming from April 7, 2013, and the restraining order, are set for May 14, 2013. Additionally, the defendant tested positive for morphine/oxymorphone on April 9, 2013. The defendant has been placed back in our Surprise Urinalysis Program and has also been placed in individual substance abuse counseling. It is recommended that the defendant serve 5 days incarceration for the new drug use and for his new charges of Driving While License Revoked and Unsafe Movement from April 4, 2013. The probation office will continue to monitor the charges between the defendant and his daughter and advise the court if a conviction is entered against the defendant.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of five days, commencing as soon as can be arranged, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

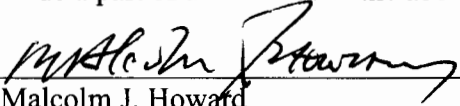
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: May 1, 2013

ORDER OF COURT

Considered and ordered this 2nd day of May, 2013, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge